IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.387 OF 2007

1.Jaykumar Sarjerao Nafte,&
2.Sarjerao Bhudaji Nafte. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.A.V.Dhavale, Adv. for the Applicants.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.117 of 2006 of Talegaon Dhamdhere Police Station, Shikrapur. The said case is under Sections 498-A, 304B of IPC.

3. It is the prosecution case that Nanda committed suicide on account of harassment by applicant No.1 who is her husband and applicant No.2 who is her father-in-law. The dead body of

Nanda was found in a well. The learned APP has pointed out that there was demand of Rs.25,000/- towards motorcycle. However, it is seen that this demand was much prior to the incident.

4. The learned APP has pointed out that there is one witness Yogesh who has stated that Nanda was beaten at her matrimonial house. However, as far as this aspect is concerned, from the complaint it is seen that when Yogesh went to the matrimonial home of Nanda at that time Nanda was beaten by her mother-in-law and applicant No.1 as she did not know how to cook properly. Thus, the beating does not appear to be on account of demand for money not being met, but, it was on account of deceased Nanda not being able to cook properly.

5. Mr.Dhavale submitted that the death of Nanda was not suicidal, but, it was accidental. The body of Nanda was found in a well. The spot panchnama shows that the well did not have parapet wall. At the well two pots were found. One of the pot was filled with water and the other pot was empty. He submitted that this clearly shows that while fetching water deceased accidentally

fell in well. Looking to the spot panchnama and the other material on record *prima facie* there appears much merit in this submission. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicants Jaykumar Sarjerao Nafte and Sarjerao Bhudaji Nafte, to be released on bail in the sum of Rs.25,000/- each with one or two sureties to make up the said amount. The applicants shall report to Talegaon Dhamdhere Police Station, Shikrapur once in a week, till conclusion of trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)